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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Docket Number (Optional): 004156.78505

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,076,044 Application Number 09/246,784

Issue Date June 13, 2000 Filing Date February 1, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

☐ is a reissue of original Patent No. _____, original issue date _____; original application number _____, original filing date _____.

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date _____ Signature _____

Typed or printed name of person signing Certificate _____

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☑ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
☑ $ 900	3 1/2 yr fee	(1551)	☐ $	3 1/2 yr fee	(2551)
☐ $	7 1/2 yr fee	(1552)	☐ $	7 1/2 yr fee	(2552)
☐ $	11 1/2 yr fee	(1553)	☐ $	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED $ 900

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of $ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED $ 1640

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of $

☑ Please charge Deposit Account No. 19-0733 the sum of $ 2540. A duplicate copy of this authorization is attached.

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☑ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 19-0733. A duplicate copy of this authorization is attached.

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7. OVERPAYMENT

As to any overpayment made please

OR

☑ Credit to Deposit Account No. 19-0733

☐ Send refund check.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Anthony Brown — Signature(s) of Petitioner(s)

23 Aug 05 — Date

Anthony Brown — Typed or printed name(s)

Registration Number, if applicable

301. 925. 8972 — Telephone Number

1326 Gables Pl. Hyattsville, MD 20785 — Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

☑ Maintenance Fee payment

☑ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. **The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.**
2. **A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.**
3. **A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.**
4. **A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).**
5. **A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.**
6. **A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).**
7. **A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.**
8. **A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.**
9. **A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.**

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FAX: 202.824.3001
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TO:	FROM:
Mr. Kevin Little	**Susan A. Wolffe**
COMPANY:	**DATE:**
	September 22, 2005
FAX NO.:	**TOTAL NO. OF PAGES:** (including cover sheet)
703-746-6590	**9**
YOUR REFERENCE NO.:	**OUR REFERENCE (C/M) NO.:**
	004156.78505

RE: U.S. Patent 6,076,044

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NAME:	PHONE:
Lynn Hudgins	202-824-3138

COMMENTS:

See Attached.

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PAGE 1/9 * RCVD AT 9/22/2005 10:11:43 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/24 * DNIS:7466590 * CSID:202 824 3001 * DURATION (mm-ss):02-46

USPTO 8/26/2005 11:30 AM PAGE 1/001 Fax Server
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TO:	FROM:
Andrea Smith Office of Petitions	Eugen A. Wolffe
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U.S. Patent and Trademark Office	August 26, 2005
FAX NO.:	TOTAL NO. OF PAGES: (including cover sheet)
571-273-8300	6
YOUR REFERENCE NO.:	OUR REFERENCE (C/M) NO.:

RE: U.S. Patent 6,075,044

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NAME: Lynn Hudgins	PHONE: 202-824-3135

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*** TX REPORT ***

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Andrea Smith Office of Petitions	Susan A. Wolffe
COMPANY:	**DATE:**
U.S. Patent and Trademark Office	August 26, 2005
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571-273-8300	6
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RE: U.S. Patent 6,076,044

If you do not receive all page(s) or have any problems receiving this transmission, please call:

NAME: Lynn Hudgins **PHONE:** 202-824-3138

COMMENTS:

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K.H

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RE: U.S. Patent 6,076,044

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NAME: Lynn Hudgins **PHONE:** 202-824-3138

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of	) **Office of Petitions**
	) **Attention: Andrea Smith**
U.S. Patent No. 6,076,044	)
(Formerly Serial No.: 09/246,784)	) Attorney Docket: 004156.78505
	)
Issued: June 13, 2000	)
Filed: February 1, 1999	)

CERTIFICATION OF FACSIMILE TRANSMISSION

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Petition To Accept Unintentionally Delayed Payment Of Maintentance Fee In An Expired Patent (37 CFR 1.378(c)).

Date: 8/26/05

By: _____

Susan A. Wolffe
Registration No. 33,568
Banner & Witcoff, Ltd.
1001 G Street, N.W. – 11th Floor
Washington, D.C. 20231
Telephone (202) 824-3127